

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

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| ELIZABETH WISE, Plaintiff, v. WELLS FARGO & CO., Defendant. | Case No: JURY TRIAL DEMANDED |
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COMPLAINT

Now comes the Plaintiff, Elizabeth Wise, through her undersigned counsel and for her Complaint against Defendant Wells Fargo & Co., alleges as follows:

INTRODUCTION

1. This action arises out of the Defendant's repeated violations of the Telephone Consumer Protection Act ("TCPA"), 47 U.S.C. § 227.

2. "The TCPA is designed to protect individual consumers from receiving intrusive and unwanted telephone calls." *Mims v. Arrow Fin. Servs., LLC*, 132 S.Ct., 740, 745, 181, L.Ed. 2d 881 (2012).

JURISDICTION AND VENUE

3. Jurisdiction of this Court arises under 28 U.S.C. § 1331 and pursuant to 47 U.S.C. § 227.

4. Venue is proper in this District because the conduct complained of occurred here, Plaintiff resides here, and Defendant transacts business here.

PARTIES

5. Elizabeth Wise (“Plaintiff”) is a natural person who resides in Lee’s Summit, Missouri.

6. Wells Fargo & Co. (“Wells Fargo”) is a foreign corporation conducting business in the state of Missouri.

FACTUAL ALLEGATIONS

7. In the immediate four years before this complaint was filed, Wells Fargo repeatedly contacted Plaintiff on her cell phones numbered (816) 548-9795.

8. At all times relevant to this Complaint, Wells Fargo used, controlled, and operated “automatic telephone dialing systems” as defined by the TCPA, 47 U.S.C. § 227(a)(1) and 47 C.F.R. 64.1200(f)(2).

9. At all times relevant to this Complaint, Wells Fargo used, controlled and utilized “artificial or prerecorded voice messages” as defined by the TCPA, 47 U.S.C. § 227(a)(1).

10. Wells Fargo initiated these calls using an automatic telephone dialing system.

11. Upon information and belief, these calls to Plaintiff came from a variety of numbers, including local numbers and “800” numbers.

12. Within these calls to Plaintiff, Wells Fargo utilized pre-recorded messages.

13. Plaintiff will testify that upon answering several of these calls, she would hear a prerecorded message and were not immediately connected to a live person.

14. These prerecorded messages identified Wells Fargo as the caller.

15. Wells Fargo did not have Plaintiff's prior express consent to call her cellular telephone number.

16. Plaintiff repeatedly informed representatives of Wells Fargo, including multiple supervisors, that she wanted Wells Fargo calls to her cellular phone to stop.

17. Wells Fargo should have discontinued future calls after being informed by Plaintiff that she desired the calls to stop.

18. Instead, Wells Fargo continued to call Plaintiff, notwithstanding her multiple requests that the calls cease.

19. Wells Fargo's repeated autodialed calls to Plaintiff's cell phone were unlawful communications in violation of the TCPA.

20. Furthermore, Wells Fargo's failure to cease contacting Plaintiff after being requested to do so constituted a willful violation of the TCPA, entitling Plaintiff to treble damages.

PRAYER FOR RELIEF

VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT 47 U.S.C. § 227 et seq.

WHEREFORE, Plaintiff, Elizabeth Wise, respectfully pray that judgment be entered against Wells Fargo as follows:

- For an award of statutory damages of \$500.00 per call pursuant to 47 U.S.C. § 227(b)(3)(B) against Wells Fargo and for Plaintiff;
- For an award of treble damages of \$1,500.00 per call pursuant to 47 U.S.C. § 227(b)(3) against Wells Fargo and for Plaintiff;

- For such other and further relief, as may be just and proper.

JURY DEMAND

Plaintiff respectfully requests a trial by jury on all issues so triable.

Respectfully submitted,

Credit Law Center

Dated: September 18, 2017

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